



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Regional Director

**VIRGINIA WASTE MANAGEMENT BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
GREENSVILLE COUNTY
FOR THE
GREENSVILLE COUNTY SANITARY LANDFILL
Solid Waste Permit No. 405**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 10.1-1455, between the Virginia Waste Management Board, and Greensville County, regarding the Greensville County Sanitary Landfill, for the purpose of resolving certain violations of the Virginia Waste Management Act and the applicable regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the Virginia Waste Management Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1401.
2. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

3. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
4. "Facility" or "Landfill" means the Greensville County Sanitary Landfill located at 1781 Greensville County Circle in Emporia, Virginia.
5. "Greensville County" means the County of Greensville, a political subdivision of the Commonwealth of Virginia. Greensville County is a "person" within the meaning of Va. Code § 10.1-1400.
6. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1455.
7. "Order" means this document, also known as a "Consent Order" or "Order by Consent."
8. "Permit" means Solid Waste Permit No. 405, which was issued under the Virginia Waste Management Act and the Regulations to Greensville County on February 28, 1983.
9. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
10. "Regulations" or "VSWMR" means the Virginia Solid Waste Management Regulations, 9 VAC 20-81-10 *et seq.*
11. "Va. Code" means the Code of Virginia (1950), as amended.
12. "VAC" means the Virginia Administrative Code.
13. "Virginia Waste Management Act" means Chapter 14 (§ 10.1-1400 *et seq.*) of Title 10.1 of the Va. Code. Article 2 (Va. Code §§ 10.1-1408.1 through 10.1-1413.1) of the Virginia Waste Management Act addresses Solid Waste Management.
14. "Warning Letter" or "WL" means a type of Notice of Alleged Violation under Va. Code § 10.1-1455.

SECTION C: Findings of Fact and Conclusions of Law

1. On June 24, 1983, Greensville County was granted a permit to operate a sanitary Landfill by the Commissioner of the Virginia Department of Health, predecessor-in-interest to the Director of DEQ. The Permit allows for the disposal of sanitary waste.
2. The Facility has been operated as a sanitary Landfill since the Permit was issued. Operations at the Facility are subject to the Virginia Waste Management Act, the Regulations, and the Permit.

3. On May 29, 2019, the Department conducted an inspection of the Landfill, and observed the following...
 - a) Construction and demolition debris was being burned, 9 VAC 20-81- 140.A.4(b)
 - b) Blown litter was in the stormwater channel along the access road that leads to the working face in Cell 1. 9 VAC 20-81-140.A.9
 - c) Fugitive dust was noted along haul roads with no dust suppression being implemented. 9 VAC 20-81- 140.A.12
 - d) Leachate seeps were noted along the Western toe and Southern edge of Cell 1. Leachate was running in a channel along the access road leading to the workface and pooling in a bermed area between Cells 1 and 2. Facility personnel were pumping leachate into the near-by stormwater conveyance channel, 9 VAC 20-81- 210.F

9 VAC 20-81-140.A.4(b) states, "Open burning of solid waste, except for infrequent burning of agricultural wastes, silvicultural wastes, land-clearing debris, diseased trees, or debris from emergency cleanup operations is prohibited."

9 VAC 20-81-140.A.9 states, "Fencing or other suitable control means shall be used to control litter migration. All litter blown from the landfill operations shall be collected on a weekly basis."

9 VAC 20-81-140.A.12 states, "Fugitive dust and mud deposits on main offsite roads and access roads shall be minimized at all times to limit nuisances. Dust shall be controlled to meet the requirements of Article 1 (9VAC5-40-60 et seq.) of Part II of 9VAC5-40."

9 VAC 20-81-210.F states, "Leachate seeps. If a leachate seep(s) occurs, the owner of operator shall repair the seep(s) and do the following:

- 1) Take all immediate steps necessary to protect public health and safety including those required by the contingency plan.
 - 2) Take immediate action to minimize, control, or eliminated the seep, and to contain and properly manage the leachate at the source of the seep."
4. On July 22, 2019, the Department issued NOV No. 2019-07-PRO-601 to Greenville County for the violations observed during the May 29, 2019, inspection.
 5. On August 19, 2019, The Department conducted an inspection of the Landfill, and observed the following...
 - a) Construction and demolition debris was being burned, 9 VAC 20-81-140.A.(b)
 - b) Failure to provide adequate cover. 20-81-140.B.1.c

9VAC 20-81-140.A.4(b), supra at para. 3

9VAC 20-81-140.B.1. Compaction and cover requirements. ...c. Daily cover consisting of at least six inches of compacted soil or other approved material shall be placed upon and maintained on all exposed solid waste prior to the end of each operating day, or at

more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging.

6. On December 16, 2019, the Department conducted an inspection of the Landfill, and observed the following...
 - a) Failure to comply with the permit conditions noted in the July 22, 2019 NOV. 20-81-100.B
 - b) Failure to provide adequate cover.
 - c) Unacceptable conditions of groundwater monitoring wells 102 and 109.

9VAC 20-81-100.B states, "All solid waste disposal facilities shall be maintained and operated in accordance with the permit issued pursuant to this regulation, and in accordance with the approved design and intended use of the facility."

9VAC 20-81-140.B, *supra* at para. 5

9VAC 20-81-250.3.e states, e. Well maintenance. The monitoring wells, piezometers, and other groundwater measurement, sampling, and analytical devices shall be operated and maintained in a manner that allows them to perform to design specifications throughout the duration of the groundwater monitoring program. Nonfunctioning monitoring wells must be replaced or repaired upon recognition of damage or nonperformance.

7. On May 4, 2020, the Department conducted an inspection of the Landfill, and observed the following...
 - a) Greenville County exceeded the permitted intake limit on April 22, 2020, by 10 tons and on February 14th (204 tons), 18th (225 tons), and the 20th (209 tons).
 - b) Greenville County failed to notify the Department about the exceedances within 24-hours.
 - c) Leachate seeps along the Southern edge of Cell 2, which entered stormwater channels and ultimately flowed into the sediment basin adjacent to Cell 2.
 - d) Failure to provide adequate cover.

9 VAC 20-81-100(B), *supra* at Para. 6- Permit Module II.C limits daily intake to 200 tons/day.

9VAC 20-81-530.C. 3. The permittee shall report to the department any noncompliance or unusual condition that may endanger health or environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the circumstances and its cause; the period of occurrence, including exact dates and times, and, if the circumstance has not been corrected, the anticipated time it is expected to continue. It shall also contain steps taken or planned to reduce, eliminate, and

prevent reoccurrence of the circumstances resulting in an unusual condition or noncompliance.

9VAC 20-81-210.F. *supra* at para. 3

9VAC 20-81-140.B, *supra* at para. 5

8. On December 28, 2020, the Department conducted an inspection of the Landfill, and observed the following...
 - a) Blown litter was in the stormwater channel along the access road that leads to the working face in Cell 1.
 - b) Leachate seeps were noted along the Southwestern toe of Cell 2 that impacted a stormwater ditch and sediment pond.

9 VAC 20-81- 140.A.9, *supra* at para. 3

9 VAC 20-81- 210.F, *supra* at para. 3

9. On March 17, 2021, the Department conducted an inspection of the Landfill, and observed the following...
 - a) Failure to comply with the permit conditions noted in the July 22, 2019 NOV.
 - b) Blown litter was noted in the sediment basin adjacent to Cell 2 to the south and also in wooded areas east of the Landfill.
 - c) Failure to provide adequate cover.
 - d) Leachate seeps were noted along the Southwestern toe of Cell 2 that impacted a stormwater ditch and sediment pond.

9 VAC 20-81-100(B), *supra* at Para. 6

9 VAC 20-81- 140.A.9, *supra* at para. 3

9 VAC 20-81- 140.B.1, *supra* at para. 5

9 VAC 20-81- 210.F, *supra* at para. 3

10. On June 23, 2021, the Department conducted an inspection of the Landfill, and observed the following...
 - a) Failure to comply with the permit conditions noted in the July 22, 2019 NOV.
 - b) A review of intake records indicates that the Greenville County also exceeded the intake limit of 200 tons per day in April 2021.
 - c) Blown litter was noted within the Sediment Basin adjacent to Cell 2, to the south.
 - d) Failure to provide adequate cover.
 - e) The eastern side slope of the North Cell required mowing as well as removal of all woody growth.
 - f) Two leachate seeps were observed.

- g) Failure to report the April 2021 daily limit exceedance.
- h) Open burning

9 VAC 20-81-100(B), supra at Para. 6

9 VAC 20-81-100(B), supra at Para. 6 Permit Module II C

9 VAC 20-81- 140.A.9, supra at para. 3

9VAC 20-81-140.B.1.c, supra at para. 5

9VAC 20-81-170 Following closure of the landfill, the owner or operator shall conduct post closure care of the landfill.

9 VAC 20-81- 210.F, supra at para.7

11. On September 29, 2021, the Department conducted an inspection of the Landfill, and observed the following...

- a) Failure to comply with the permit conditions noted in the July 22, 2019 NOV.
- b) Operational documents and records were requested during the September 29, 2021 site inspection, and again on November 1, 2021. Documents were requested to be submitted by November 8, 2021.
- c) Failure to submit operating records.
- d) The Facility was actively open burning during the site inspection. Vegetative debris mixed with clean wood scraps from Georgia Pacific. The burn area is located ~200' west of the landfill perimeter, over an area where no waste has been placed.
- e) Blown litter was noted along the top of the closed North Cell and at the Facility entrance. Mud was noted tracked out past the entrance onto Maclin's Creek Road.
- f) Failure to provide adequate cover.
- g) The eastern side slope of the North Cell required mowing as well as removal of all woody growth.

9 VAC 20-81-100(B), supra at Para. 6

9 VAC 20-81-100.E.5.c states "Records of all inspections, to include at a minimum time and date of the inspection, the personnel involved, the hauler, the type of waste observed, the identity of the generator of the waste if it can be determined, the location of the facility where the waste was handled prior to being sent to the landfill, and the results of the inspection. All records associated with unauthorized waste monitoring and incidents shall be retained onsite for a minimum of three years and shall be available for inspection by the department"

9 VAC 20-81-140.A.17 Records to include, at a minimum, date of receipt, quantity by weight or volume, and origin shall be maintained on solid waste received and processed to fulfill the applicable requirements of the Solid Waste Information and Assessment

Program under 9VAC20-81-80 and the Control Program for Unauthorized Waste under 9VAC20-81-100 E. Such records shall be made available to the department for examination or use when requested.

9 VAC 20-81-140.A.4 (b) supra at Para. 3
9 VAC 20-81-140.A.9, 12 supra at Para. 3
9 VAC 20-81-140.B, supra at Para 5
9 VAC 20-81-170, supra at Para. 10

12. On December 13, 2021, the Department conducted an inspection of the Landfill, and observed the following...
- a) Failure to comply with the permit conditions noted in the July 22, 2019 NOV.
 - b) Failure to recertify the operations manual.
 - c) Blown litter was noted along the access road at the southern edge of cells 1 and 2, and the south cell. Litter was also observed along the eastern side slopes of the southern cell and cell 1. Mud was noted tracked out past the entrance onto Maclin's Creek Road.
 - d) Failure to provide adequate cover.
 - e) The eastern side slope of the North Cell required mowing as well as removal of all woody growth.
 - f) Leachate seeps were observed pooling along the access road leading toward cell 1. Liquid was dripping from a cleanout pipe near the access road and flowing from the working face in cell 1.

9 VAC 20-81-100(B), supra at Para. 6

9 VAC 20-81-485 states that "An operations manual shall be prepared and maintained in the operating record. The operations manual shall include a certification page signed by a responsible official. This manual shall be reviewed and recertified annually (by December 31 of each calendar year) to ensure consistency with current operations and regulatory requirements, and shall be made available for review by the department upon request."

9 VAC 20-81-140.A.9, supra at Para. 3
9 VAC 20-81-140.B, supra at Para. 5
9 VAC 20-81-170, supra at Para. 10
9 VAC 20-81-210.F, supra at Para. 3

13. Based on the results of the inspections, the Board concludes that Greenville County has violated 9 VAC 20-81-100(B), 9 VAC 20-81-140.A.4(b), 9 VAC 20-81-140.A.9, 9 VAC 20-81-140.A.12, 9 VAC 20-81-140(B), 9 VAC 20-81-210(F)(2), 9VAC 20-81-530.C. 3, and 9VAC 20-81-250.3.e as described above.

14. In order for Greensville County to complete its return to compliance, DEQ staff and representatives of Greensville County have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code § 10.1-1455, the Board orders Greensville County, and Greensville County agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$49,175 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Greensville County shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Greensville County shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Greensville County for good cause shown by Greensville County, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the Facility; or (3) taking subsequent action to enforce the Order.

3. For purposes of this Order and subsequent actions with respect to this Order only, Greensville County admits to the jurisdictional allegations, and agrees not to contest, but does not admit, the findings of fact and conclusions of law in this Order.
4. Greensville County consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Greensville County declares it has received fair and due process under the Administrative Process Act and the Virginia Waste Management Act and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Greensville County to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Greensville County shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Greensville County shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Greensville County shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will

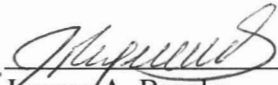
result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Greenville County. Nevertheless, Greenville County agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Greenville County has completed all of the requirements of the Order;
 - b. Greenville County petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Greenville County .

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Greenville County from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Greenville County and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of Greenville County certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Greenville County to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Greenville County.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, Greenville County voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 22nd day of June, 2022.


For Jerome A. Brooks Pursuant to authority
delegated on 03/24/2022
Department of Environmental Quality
Piedmont Regional Director

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Greenville County voluntarily agrees to the issuance of this Order.

Date: 4/19/2022 By: Gary L. Cifers, Assistant County Administrator
Name Title
Greenville County

Commonwealth of Virginia

City/County of Greenville

The foregoing document was signed and acknowledged before me this 19 day of
April, 2022, by Gary L. Cifers on behalf of the
County.

Alice H. Whitby
Notary Public

7048996
Registration No.

My commission expires: April 30, 2026

Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

1. Leachate Management

Within 30 days of the effective date of this Order, Greensville County shall hire a Professional Engineer with expertise in landfill design and leachate management, to examine the current condition of the leachate collection system and develop a corrective action plan to address the current leachate seeps occurring at the Landfill.

Within 90 days of the effective date of this Order, Greensville County shall submit to the Department for review and approval an amended leachate and stormwater management plan (LSMP) with a corrective action plan and schedule for the elimination of chronic leachate seeps and drainage issues at the Landfill.

Once approved by the Department, the LSMP and implementation schedule shall become a part of this Order. Greensville County shall complete the corrective action on or before July 1, 2024.

Within 30 days of the completion of the corrective action amend the Operations Manual and submit a copy to the Department.

If the corrective action, once implemented is found by the Department to be ineffective in minimizing leachate seeps or managing stormwater, Greensville County shall adjust and amend the LSMP plan within 10 days and inform the Department of the changes.

2. Dedicated Environmental, Safety and Health Staff

Within ninety (90) days of the effective date of this Order, Greensville County shall identify qualified staff by name and title responsible for Environment, Safety and Health (“ESH”) matters associated with Greensville County Operations at the landfill. Greensville County shall submit such Position Description(s) to DEQ for review and coordination upon completion. Such staff members shall have meaningfully sufficient County support, authority and position in the Greensville County community structure to independently identify and resolve Landfill compliance risks. Position in the County community structure, specific program responsibilities and percentage of allotted work time to ESH activities for each staff member shall be described in individual Position Description(s). Such Position Description(s) shall include, but not be limited to, requirements to maintain compliance with Solid Waste Permit No. 405 and any subsequent issuance or amendment.

3. Employee Training Plan

Within ninety (90) days of the effective date of this Order, Greensville County shall complete and implement an updated Stormwater Employee Training Plan for the Facility. Greensville

County shall submit such Stormwater Employee Training Plan to DEQ for review and coordination upon completion. The training plan shall include a schedule for necessary training, record of all training sessions and attendance. Training shall be provided for all employees who work at the Facility. (e.g., inspectors, maintenance personnel, etc.). The training shall cover the components and goals of the SWPPP, and include, but not be limited to, such topics as spill response, good housekeeping, material management practices, leachate management, control measure operation and maintenance. Such training shall be conducted pursuant to a clear understanding of the prohibition of non-stormwater discharges.

4. Contact

Unless otherwise specified in this Order, Greensville County shall submit all requirements of Appendix A of this Order to:

Frank Lupini
Enforcement Specialist
VA DEQ –Piedmont Regional Office
4949A Cox Road,
Glen Allen, Virginia 23060
Frank.Lupini@deq.virginia.gov